IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11419 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NOORBIBI WD/O HASAMBHAI KALUBHAI MANIYAR

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

MR SAMIR DAVE, AGP, for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/02/2001

ORAL JUDGEMENT

The learned counsel for the respondents is in agreement that this matter is squarely covered on one point by judgment of this court in the case of Ranubhai Bhikhabhai Bharwad (Vekaria) v. State of Gujarat & Ors., reported in 2000(3) GLR 2696 and only on this ground, this order

of detention of the petitioner vitiates. In view of this concession made by learned counsel for the respondents, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 18.10.2000 passed by the Police Commissioner, Ahmedabad City, Ahmedabad, under Section 3(2) of the Gujarat Prevention of Antisocial Activities Act, 1985, detaining the petitioner as `Bootlegger' is hereby quashed and the petitioner - Smt.Noorbibi, widow of Hasambhai Kalubhai Maniyar, detenu, at present detained at Central Jail, Vadodara, is to be set at liberty forthwith if he is not required in any other case. Rule is made absolute. No order as to costs.

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(sunil)